

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47999 of 2014

Arising Out of PS.Case No. -333 Year- 2007 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Jamal Abdul Nasir @ Tuttu Son of Late Azfar Hussain Resident of
village- Sheikh Bahuara, P.S.- Kochas, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudha Chandra, Advocate

For the Opposite Party/s : Mr. Anita Kumari(APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 04-05-2015

Heard learned counsel for the petitioner as well as
learned APP.

A disclosure has been made at the end of petitioner
that no process under Sections 82 or 83 of the Cr.P.C has yet been
issued against him. Informant's father, namely, Muzaffar Hussain
@ Kallu Sheikh while going to attend a date so fixed in a case
before the court of SDM by a jeep, was intercepted by motorcycle
borne criminals who pumped bullet causing instantaneous death,
as disclosed by the driver who brought back the vehicle after
commission of the occurrence. The informant further disclosed
names of persons who were near betel shop of Kalesar and were
keeping watch over the activity of the prosecution party.

It has been submitted on behalf of the petitioner that
he is not named in the First Information Report though during

course of investigation, prosecution tried to implicate him. After concluding the investigation petitioner was not sent up for trial, however, differing therefrom, petitioner has also been summoned to face trial.

Learned APP opposed the prayer and submitted that after taking of cognizance complicity of petitioner is found, prima facie, exposed during course of commission of crime.

Accordingly, petitioner, Jamal Abdul Nasir @ Tuttu, in the event of his arrest/surrender within four weeks, is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sri A.K. Singh, Judicial Magistrate, 1st Class, Kaimur (Bhabhua)/successor in the office, in connection with Mohania PS Case No. 333 of 2007, subject to the condition as laid down under Section 438(2) Cr.P.C.

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(Aditya Kumar Trivedi, J)

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